



Government Employee- Management Relations Board

Nevada Department of Business and Industry



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Regulations Workshop Set for October 29th

The EMRB will be holding a second workshop for revisions to the agency's regulations. The workshop will be held on October 29th at 2:00 p.m. in Las Vegas with video-conferencing to Carson City. Details may be found on our home page at the website address above. The regulations are driven by three main events: (1) the passage of Senate Bill 135, authorizing collective bargaining at the state level; (2) revisions by the Nevada Supreme Court to the Nevada Rules of Civil Procedure, especially with respect to due dates for certain documents; and (3) the agency's experience in using panels these past two years. The proposed regulations also incorporate features allowing for increased use of technology. We invite you to attend the workshop as we value your comments and suggestions. We hope to then have the required public hearing on or about December 5th, at which time the Board might then adopt the regulations either as is or as amended.

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List of Panels

Panel A Eckersley, Masters, Harris
Panel B Masters, Walker, Harris
Panel C Walker, Cottino, Harris
Panel D Eckersley, Walker, Cottino
Panel E Eckersley, Masters, Cottino

Note: The first person listed is the Presiding Officer of that panel.

The EMRB office will be closed on October 25th for Nevada Day and on November 11th for Veterans Day.

Recognition Petitions Filed

The EMRB has received two petitions for recognition at the state level, filed by AFSCME Local 4041. The first petition was for Unit K, which is a bargaining unit of Category 3 Peace Officers (i.e., corrections officers). The second petition for recognition is for Unit F, which is a bargaining unit for non-professional health care employees.

EMRB staff is currently auditing the documents submitted by AFSCME with respect to both petitions and is also waiting for information from the Nevada System of Higher Education with respect to certain health care employees who work in the higher education setting. Once both audits are completed, the audit reports will be released to the State and to the petitioner. The State will then have an opportunity to file its responses with the Board.

Pursuant to Section 53 of Senate Bill 135, the Board may not take any action on any such petitions until such time as it first approves the regulations implementing the provisions of the bill. Senate Bill 135 states that if the Board determines that the petitioner has more than 50% support then the petitioner shall be recognized as the exclusive representative for that unit. If a petitioner has between 30% and 50% support, then the Board shall order an election between any labor organization having that level of support plus a "no union" option.

The EMRB invites interested labor organizations to submit petitions for recognition, recognizing that at some point in time a given petitioner may be designated by the Board as the exclusive representative for a unit.

Recent Decisions

Please note that summaries of recent decisions are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request. They also may be found on our website.

Item 842A; Case 2019-004; International Association of Operating Engineers, Local 501 v. University Medical Center of Southern Nevada. UMC filed a motion to dismiss the first amended complaint. IUOE, Local 501 filed a notice of non-opposition and provided a stipulation to file a second amended complaint removing references to certain grievances objected to in the motion. The Board ordered the second amended complaint be deemed accepted and filed.

Item 850; Case 2019-129; Luquisha McCray v. Clark County. The County had filed a motion to dismiss, claiming that the Complainant did not have standing to challenge the scope of the bargaining unit, relying on NRS 288.175(5) which states in part that if "any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board." The Board agreed with that analysis and granted the motion to dismiss. However, the Board dismissed the case without prejudice, thus allowing the availability of filing an amended complaint in which standing would not be an issue.

Item 851; Case 2019-016; City of Las Vegas v. Las Vegas Peace Officers Association. The employee organization filed a motion to dismiss, claiming there was no probable cause for the complaint inasmuch as withdrawal of a tentative agreement is permissible. The City argued that the withdrawal amounted to bad faith bargaining in that the LVPOA had done so in an attempt to reopen negotiations in an approved article. The Board held that the City's complaint, based on the totality of the circumstances, involves factual disputes and credibility determinations that require a hearing. Thus the motion to dismiss was denied.

Status of Implementation of State Collective Bargaining

Below is the status of the major components of implementing the new state collective bargaining law:

Financial Activities

Pursuant to a recommendation from the Governor's Finance Office, the LCB and the IFC, the agency created a separate reserve for revenues and expenses related to the State, as compared to the existing reserve for revenues and expenses related to collective bargaining for local governments. Also, the agency worked with the Division of Human Resource Management and the Chief Financial Officer at NSHE to develop protocols for determining the number of employees at both the State proper and NSHE. These protocols will also be used in subsequent years. The agency then invoiced both entities for their annual assessment and collected on those invoices.

Administrative Activities

On August 15th the IFC approved a work program for the hiring of a third employee for the EMRB, along with the necessary furniture, computer and software. Since then the agency has hired Christopher Roske as an Administrative Assistant II, who began work on October 7th. Mr. Roske recently worked as an attaché and a committee manager for a legislator in the recently-concluded session of the State Assembly. The computer is installed and the furniture will be delivered and installed on November 8th. Additionally, the EMRB has scrubbed its documents and website due to the agency's name change.

Assignment of Job Classifications to Bargaining Units

Section 53 of Senate Bill 135 required the Division of Human Resource Management (DHRM) to submit a report to the EMRB by the end of July in which DHRM would recommend the assignment of the more than 1300 job classifications to the 11 bargaining units listed in Section 29 of that bill. This report was submitted on July 30th. Section 53 then allowed labor organizations 20 days to object to any of the recommendations in the report. Three labor organizations (CWS, NAPS0 and AFSCME) filed a total of 64 objections, which amounted to less than 5% of all the recommendations. Prior to the holding of any hearings by the Board, the Commissioner then held voluntary settlement conferences over a period of two days. At that time 63 of the 64 objections were settled by the respective parties. These agreements were reduced to writing in four stipulation and orders, which were subsequently approved by the Board.

The Board also issued a decision and order in the one objection not agreed to, which was submitted to the Board via briefs only as the issue was solely a legal one. The Board also issued an order certifying the recommendations by DHRM which had no objections, and also issued an order relating to an issue raised in an *amicus* brief filed by the Nevada Highway Patrol Association. This part of the implementation is now thus completed.

In the Queue...

Once initial pleadings, including prehearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. The Board has scheduled cases through February 2020. There are no cases in the queue waiting for a hearing date.

December 3-5, 2019 in Las Vegas (Panel A)

Consolidated Case 2019-004, International Union of Operating Engineers, Local 501 v. University Medical Center

December 17-19, 2019 in Las Vegas (Panel B)

2017-034, Ryan Cook v. Las Vegas Metropolitan Police Department

January 14-16, 2020 in Las Vegas (Panel D)

2019-001, Las Vegas Police Managers and Supervisors Association v. Las Vegas Metropolitan Police Department

January 28, 2020 in Carson City video-conferenced to Las Vegas (Panel E)

2019-011, IAFF, Local 5046 v. Elko County Fire Protection District

January 29, 2020 in Carson City video-conferenced to Las Vegas (Panel C)

2019-014, Nevada Classified Employees Association, Chapter 5 v. Churchill County School District

February 11-13, 2020 in Las Vegas (Panel C)

2019-010, Leonard Cardinale v. City of North Las Vegas

February 25-27, 2020 in Las Vegas (Panel C)

2019-010, Leonard Cardinale v. City of North Las Vegas (continuation of the hearing)

On the Horizon

Panel A is scheduled to meet on October 29th in Las Vegas. The only item on that agenda is a motion to dismiss in Case 2019-018, Annette Shaw v. Nye County Employees Association. Panel B is scheduled to meet immediately upon the close of the Panel A meeting. The only item on that agenda is a motion to dismiss in Case 2019-005, Jennifer Ehrheart v. Nye County School District.

Due to cases having settled the Board is not scheduled to again meet until December 3-5, 2019 when Panel A will meet for three days in Consolidated Case 2019-004, International Union of Operating Engineers, Local 501 v. University Medical Center of Southern Nevada. Other panels may also briefly meet during this three-day period. It is also hoped that the full Board might also hold the public hearing on the proposed regulation at this time.

A Friendly Reminder About Our Name Change

Attorneys: Please change your pleading templates to remove the word "Local" from our agency's name, which changed last June. Documents with our old agency name will be rejected for filing.

"About the EMRB"

The Government Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between governments and their labor and employee organizations (i.e., unions), provides support in the process, and resolves disputes between governments, labor and employee organizations, and individual employees as they arise.